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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ELAINE BRAXTON, individually and as natural
parent and guardian of D.N., a minor,

Plaintiff,

v.

CLARK COUNTY SCHOOL DISTRICT; a
Political Subdivision of the State of Nevada,
JESUS F. JARA, in his individual and official
capacity; KODY BARTO, in his individual and
official capacity; GAYLE ORVEDAL, in her
individual and official capacity, MICHELLE
BROWN, in her individual and official capacity;
DOES I through X; and ROE CORPORATIONS
I through X, inclusive,

Defendants.

CASE NO. 2:23-cv-00144-JAD-MDC

**STIPULATION TO STAY
DISCOVERY
(FIRST REQUEST)**

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1 Plaintiff, Elaine Braxton, individually and as natural parent and guardian of D.N., and
2 Defendants Clark County School District (“CCSD”), Jesus Jara (“Jara”), Kody Barto (“Barto”),
3 Gayle Orvedal (“Orvedal”), and Michelle Brown (“Brown”) (referred collectively herein as
4 “CCSD Defendants” or “Defendants”), by and through their attorneys hereby stipulate to stay
5 certain discovery given that a dispute between the parties has arisen relating to what Defendants’
6 perceive as conflict of interest. As detailed below, the parties have been working through issues
7 relating to depositions in light of the current discovery deadline of March 22, 2024. However,
8 because of the perceived conflict, discovery is at a standstill and Defendants filed a Motion to
9 Disqualify on March 20, 2024 (the “Motion to Disqualify”) (ECF No. 61) to address the same.

10 **I. RELEVANT BACKGROUND REGARDING DISCOVERY DEADLINES**

11 On or about April 4, 2023, the parties submitted their *proposed* Stipulated Discovery
12 Plan and Scheduling Order (ECF No. 17), which the Court granted and denied in part on April 6,
13 2023 (ECF No. 17).

14 On or about April 14, 2023, the parties exchanged Initial Disclosures in accordance with
15 the Scheduling Order.

16 On or about April 20, 2023, Plaintiff filed its Amended Complaint and Jury Demand
17 (ECF No. 24).

18 On or about May 4, 2023, the Parties submitted a joint stipulation and *proposed* order for
19 filing of Second Amended Complaint (ECF No. 30), which the Court granted on May 5, 2023
20 (ECF No. 31).

21 On or about May 10, 2023, Plaintiff filed its Second Amended Complaint (ECF No. 32).

22 On or about May 31, 2023, CCSD Defendants filed their Answer to Second Amended
23 Complaint (ECF No. 34).

24 With the resulting delay of the Amended Complaints and the time taken for CCSD
25 Defendants to prepare an Answer, the discovery and expert deadlines did not provide enough
26 time to retain and prepare experts. The Parties therefore, on or about June 5, 2023, submitted
27 their *proposed* Stipulation to Extend Discovery (First Request) (ECF No. 35), which the Court
28 granted on June 5, 2023 (ECF No. 36).

On or about June 29, 2023, Plaintiff filed its Motion to Amend Complaint (ECF No. 37), CCSD Defendants filed their response in opposition on or about June 29, 2023 (ECF No. 38), and Plaintiff replied on or about August 7, 2023. The Court subsequently granted Plaintiff's Motion to Amend Complaint on or about November 8th (ECF No. 49).

On or about September 21, 2023, the Parties submitted a joint request for settlement conference (ECF No. 42), which the Court granted on September 26, 2023 (ECF No. 43). The settlement conference was scheduled for November 8th (ECF No. 44). Due to a conflict with the Court's calendar, the settlement conference was continued from November 8th to January 12¹, 2024 (ECF Nos. 47 & 48).

As the settlement conference was initially scheduled for November 8th, two days after the governing close of discovery deadline (ECF No. 36), the Parties submitted, on or about October 23, 2023, their *proposed* Stipulation and Order to Extend Discovery (Second Request) (ECF No. 45). The Court granted it on or about October 24, 2023 (ECF No. 46).

As the rescheduled settlement conference date January 12th fell only 10 days ahead of the governing discovery deadline (ECF No. 46), the Parties submitted, on or about November 14, 2023, their *proposed* Stipulation and Order to Extend Discovery (Third Request) (ECF No. 50). The Court granted it on or about November 15, 2023 (ECF No. 52).

On or about November 15, 2023, Plaintiff filed its Third Amended Complaint (ECF No. 51) which Defendants answered on November 28, 2023 (ECF No. 54).

II. DISCOVERY COMPLETED

Disclosures

On December 6, 2023, Plaintiff served their third supplemental disclosures, with the first served on or about August 3, 2023, and the second served on or about October 13, 2023.

On February 7, 2024, CCSD Defendants served their fourth supplemental disclosures, with the first supplemental served on or about September 29, 2023, the second supplemental served on or about October 6, 2023, and the third supplemental served October 18, 2023.

¹ The Parties were unable to settle the matter at the January 12th settlement conference.

Written Discovery

On or about August 16, 2023, CCSD Defendants served their first set of requests for production of documents on DN; on or about October 2, 2023, Plaintiff served its responses thereto.

On or about August 16, 2023, CCSD Defendants served their first set of interrogatories on DN; on or about October 2, 2023, Plaintiff served its responses thereto.

On or about August 21, 2023, Plaintiff served their first set of requests for production of documents on CCSD; on or about October 6, 2023, CCSD Defendants served their responses thereto and on October 18, 2023, followed with service of their amended responses.

On or about August 21, 2023, Plaintiff served their first set of interrogatories on CCSD; on or about October 6, 2023, CCSD Defendants served their response thereto.

Expert Reports

On or about September 19, 2023, Plaintiff served its Initial Designation of Expert Witnesses and Reports.

On or about October 20, 2023, CCSD Defendants served their Rebuttal Expert Disclosure Pursuant to FRCP 26(a)(2).

III. DISCOVERY THAT REMAINS TO BE COMPLETED

Plaintiff and CCSD Defendants have noticed party depositions but have not yet taken any due to the issues addressed in Defendants' Motion to Disqualify. Additionally, the Parties intend to take expert depositions. The following depositions have been noticed by each party to date:

1. Jesus Jara (noticed by Plaintiff)²
2. Kody Barto (noticed by Plaintiff)
3. Gayle Orvedal (noticed by Plaintiff)
4. Michealle Brown (noticed by Plaintiff)
5. Elaine Braxton (noticed by CCSD Defendants)

² Defendants have objected to the deposition of Dr. Jara and the parties have agreed to further meet and confer regarding the same.

6. D.N. (a minor) (noticed by CCSD Defendants)³

7. Plaintiff's expert, Dr. Billie-Jo Grant (noticed by CCSD Defendants)

8. Plaintiff's expert, Michael Elliott (noticed by CCSD Defendants)

IV. **REASONS TO STAY DISCOVERY**

As is discussed in the briefing of the Motion to Disqualify, the parties have met and conferred in an attempt to reach a resolution regarding what Defendants believe is a conflict of interest. Specifically, attorney Fikisha Miller recently joined H&P Law, counsel of record for Plaintiff. Ms. Miller was formerly employed by CCSD as Chief Negotiator and Assistant General Counsel and CCSD believes there is a conflict of interest that prohibits Ms. Miller's involvement in this matter. Counsel for Plaintiff do not believe there is a conflict of interest. Notwithstanding, because Ms. Miller was scheduled to take and defend noticed deposition in this matter, the parties have agreed to vacate the depositions pending a ruling by the Court on the conflict/disqualification issue. Therefore, the parties stipulate and agree to the following:

1. Plaintiff and CCSD Defendants have noticed party depositions and expert depositions. However, the conflict issue discussed above cannot be resolved without Court involvement and prohibits discovery from moving forward at this time. Accordingly, the Parties agree to stay all further discovery, including depositions of the Parties and experts, until the court rules on the Motion to Disqualify.

2. The Parties agree to amend the Stipulated Discovery Plan and Scheduling Order to allow discovery to extend beyond the current deadline of March 22, 2024. The new deadline for discovery will be sixty (60) days after the Court rules on the Motion to Disqualify.

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³ Plaintiff has objected to the deposition of D.N. and the parties have agreed to further meet and confer regarding the same.

3. Once a ruling on the Motion to Disqualify is issued, the Parties will promptly commence the previously noticed depositions to complete discovery within the agreed upon sixty (60) days, and work together in good faith to accommodate schedules, as needed.

IT IS SO STIPULATED.

DATED this 22nd day of March 2024

H&P LAW

/s/ Marjorie Hauf

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*Counsel for Plaintiff, Elaine Braxton as
natural parent and guardian of D.N., a
minor*

DATED this 22nd day of March 2024.

GREENBERG TRAURIG, LLP

/s/ Kara B. Hendricks

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Counsel for Defendants, Clark County

School District, Jesus Jara, Michelle

Brown, Kody Barto and Gayle Orvedal

IT IS SO ORDERED.



Maximiliano C. Couvillier III
United States Magistrate Judge
Dated: 3-26-24